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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,650	04/29/2005	David Gomez Camara	GOMEZ CAMARA ET AL 1 PCT	2276
25889	7590	04/30/2008	EXAMINER	
COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			KELLER, MICHAEL J	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/509,650	Applicant(s) GOMEZ CAMARA ET AL.	
	Examiner Michael J. Keller	Art Unit 4136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/29/2004, 04/02/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. The following limitations lack antecedent basis in the claims:
 - a. "the wet area" and "the dry area" recited in Claim 1 Line 3, Claim 14 Lines 3-4, Claim 15 Line 3 and Claim 23 Line 20.
 - b. "the mounting accesses" recited in Claim 1 Line 4.
 - c. "the door handle" recited in Claim 1 Line 6.
 - d. "the lock" recited in Claim 4 Line 2.
 - e. "the transmission mechanisms" and "the locking, opening and closing actions" recited in Claim 4 Line 3.
 - f. "the electrical cables" and "the window lift motor" recited in Claim 7 Line 2.
 - g. "the electrical accessories" recited in Claim 8 Line 2.
 - h. "the space of the door" recited in Claim 10 Line 4.
 - i. "the access openings" and "the components" recited in Claim 12 Line 3.
 - j. "the assembly access openings" recited in Claim 13 Line 2.
 - k. "the components and accessories" recited in Claim 14 Line 3 and Claim 15 Line 2.

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- l. "the cabling" recited in Claim 17 Line 3.
 - m. "the window lift rails" recited in Claim 18 Line 2 and Claim 23 Lines 7 & 11.
 - n. "the fixed support" recited in Line 3 of Claims 19-21.
 - o. "the rail" recited in Claim 19 Line 5, Claim 20 Line 4 and Claim 21 Line 5.
 - p. "the orifice" and "the plateau" recited in Claim 20 Line 6.
 - q. In Claim 23, "the support module" in Line 1; "the flexible laminar element" throughout the claim; "the side" and "the frame" in Line 5; "the housing" in Line 10; "the centerers" in Line 13; "the central and peripheral attachments" in Line 16 "the cable sheath" and "the module" in Line 19; "the sealing lid" and "the cable sheath" in Line 21; "the window" and "the cavities" in Line 22; the various waterproof sealing lids" in Line 24.
4. Regarding claim 1, it is unclear what components are being referred to by the phrase "all the remaining components" in line 8. It is assumed that this refers to all components previously mentioned (i.e. the flexible laminar element, the window lift mechanism and the door handle) as well as any components attached thereon.
5. Regarding claims 8, 19 and 22, the phrases "such as" and "preferably" render the claims indefinite because it is unclear whether the limitations following the phrases are part of the claimed invention. See MPEP § 2173.05(d).
6. Regarding claim 16, what is the flexible laminar element being attached to?
7. Regarding claim 17, what component is being referred to by the word "it" in line 4 of the claim?

8. Regarding claim 23:

- a. In lines 4, 7 and 9, the phrases "if a lock is included", "if the flexible laminar element is not provided with a lock" and "if it is inserted" render the claim indefinite because it is unclear whether a lock is a part of the claimed invention.
- b. In line 9, what component is rotated "to insert the lock"?
- c. In line 10, the phrase "in the sense displacing" is not understood by the examiner.
- d. In lines 15-18, what components are the flexible laminar element, window lift rails and lock being bolted to?
- e. In line 19, the phrase "if it is incorporated" renders the claim indefinite because it is unclear whether a cable sheath is a part of the claimed invention.
- f. In line 22, what component is the window being attached to?
- g. In line 24, where are the lids being placed?

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7-10, 12-15 and 17 (as best understood) are rejected under 35

U.S.C. 102(b) as being anticipated by Morrison et al. (US 2001/0038228). Morrison et al. discloses [claim 1] a supporting module with waterproof seal for vehicle doors with a cable window lift mechanism (102, Fig. 12), characterised in that it consists of a

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flexible laminar element (26) to separate the wet area from the dry area of the door and seal the mounting accesses to the inside of the door, which bears during the mounting operations on the door at least the window lift mechanisms and a support spacer (34, Fig. 6) allows a structural attachment of the door handle (56) and the door itself, so that when the aforementioned flexible laminar element is positioned on the door all the remaining components are placed in their mounting position, and once these elements are definitively attached to the door the loads to which they are subjected during their use are transmitted only to the door itself; **[claim 2]** characterised in that the support spacer is integrated in the flexible laminar element forming a single body with it (see Fig. 6); **[claim 3]** characterised in that it incorporates a loudspeaker (86, Fig. 8); **[claim 4]** characterised in that it incorporates the lock and at least the transmission mechanisms for the locking, opening and closing actions (36, Fig. 6); **[claim 7]** characterised in that it includes electrical cables for a window lift motor (Paragraph 48); **[claim 8]** characterised in that it incorporates electrical accessories (Paragraph 48); **[claim 9]** characterised in that the flexible laminar element provides an acoustical insulation function (any sound passing through the metal or polymeric material of the element would be dampened) **[claim 10]** characterised in that the waterproof seal of the flexible laminar element establishes a waterproof seal on the door by means of a peripheral sealing gasket (42, Fig. 2) that adapts to the surface and outline of the space of the door; **[claim 12]** characterised in that the waterproof seal between the flexible laminar element and the access openings (35, Fig. 4) for assembling the components is established by closures or lids (40); **[claim 13]** characterised in that the closures or lids

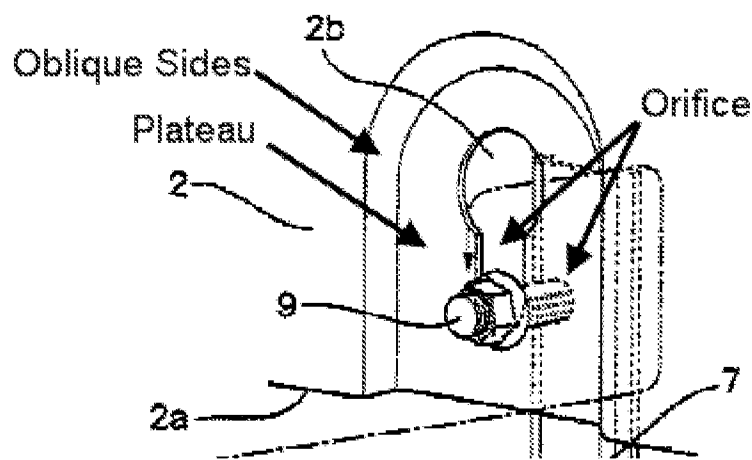
sealing the assembly access openings are included in the flexible laminar element; **[claim 14]** characterised in that the seal between the flexible laminar element and the components and accessories that must cross from the wet to the dry area and vice versa is established by sealing gaskets (74, Fig. 8); **[claim 15]** characterised in that the sealing gaskets for the components and accessories that must cross from the wet to the dry area and vice versa are included in the flexible laminar element; **[claim 17]** characterised in that it is provided with attachment means for the cabling incorporated in the flexible laminar element to form a single part with it (the cables of the window regulator are connected to the module by the lifting rails).

10. **Claims 1-3, 5, 16 and 18-23 (as best understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Furuyama et al. (US 2002/0047289).**

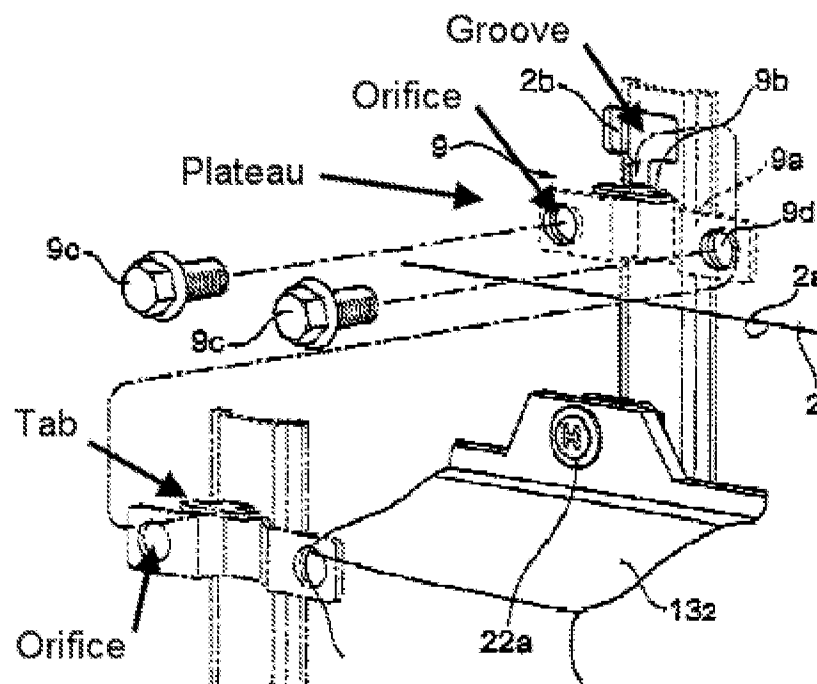
Furuyama et al. discloses **[claim 1]** a supporting module with waterproof seal for vehicle doors with a cable window lift mechanism (5, Fig. 6), characterised in that it consists of a flexible laminar element (13,30, Fig. 2) to separate the wet area from the dry area of the door and seal the mounting accesses to the inside of the door, which bears during the mounting operations on the door at least the window lift mechanisms and a support spacer (13.1) allows a structural attachment of the door handle and the door itself, so that when the aforementioned flexible laminar element is positioned on the door all the remaining components are placed in their mounting position, and once these elements are definitively attached to the door the loads to which they are subjected during their use are transmitted only to the door itself; **[claim 2]** characterised in that the support spacer is integrated in the flexible laminar element forming a single

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body with it (see Fig. 1); **[claim 3]** characterised in that it incorporates a loudspeaker (see Fig. 1); **[claim 5]** characterised in that the flexible laminar element incorporates the configuration of the base of an object-carrying pouch (21, Fig. 2); **[claim 16]** characterised in that the flexible laminar element is attached by attachment clips integrated in the flexible laminar element (see Fig. 9); **[claim 18]** characterised in that the window lift rails have self-centering and attachment means on the upper ends and lower ends (see Fig. 7 & 13); **[claim 19]** characterised in that the attachment and centering means consist of a groove (2b, Fig. 7) on the fixed support or door that is wider on one end of the groove and narrower on the other end, with a converging transition to house a thickened widening (9), on the end of the rail; **[claim 20]** characterised in that the centering and attachment means consist of a plateau with oblique sides on the fixed support or door on which rests the end of the rail according to a configuration that coincides in its shape and size with the aforementioned plateau of the door, such that an orifice coincides with the orifice of the plateau for a bolted union (see figure below);



[claim 21] characterised in that the centering and attachment means consist of a plateau on the fixed support or door with an orifice (9d) for a bolted union and a groove (2b) that is wider on one end than on the other, having a converging transition, and a tab (9b) and an orifice (9d) in the rail, such that the tab of the rail is made to coincide in the groove of the door until the orifices of the rail and the door coincide (see figure below); **[claim 22]** characterised in that the centering and attachment means consist of a grooved housing (2, Fig. 7) for guiding an attachment means, preferably a bolt (9), to a final position of the grooved housing where it is widened in order to maintain a stable position of the attachment means for a subsequent tightening.



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Regarding claim 23, Furuyama et al. discloses positioning the centering bolts (9) as shown in Fig. 7; clipping the flexible laminar element as shown in Fig. 9; bolting the window lift rail as shown in Fig. 8; attaching the window as shown in Fig. 4; and attaching the lid (13.1) as shown in Fig. 3. The steps involving a lock or a cable sheath are omitted, because the claim states that those steps are only required if a lock and cable sheath are included.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Furuyama et al. (US 2002/0047289) in view of Yagishita et al. (US 5,934,730).**

Furuyama et al. discloses a supporting module according to claim 1 as set forth above, but does not disclose an element absorbing the energy of an impact. Yagishita et al. discloses a collision energy absorbing rib attached to a car door. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to provide the supporting module of Furuyama et al. with the energy absorbing rib of Yagishita et al., in order to absorb the energy of a collision between a driver and the car door and prevent injury to the driver.

13. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison et al. (US 2001/0038228) in view of Whitehead et al. (US 6,422,640).

Morrison et al. discloses a supporting module according to claim 10 as set forth above, but does not disclose that the sealing gasket is inserted in a peripheral groove on the flexible laminar element. Whitehead et al. discloses a sealing gasket (142, Fig. 4) integrally molded in a groove (138) of a supporting module. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to form the sealing gasket in a groove on the flexible laminar element in a molding process, in order to reduce parts, cost and assembly (Col. 1 Lines 40-43).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patents to Szerdahelyi et al., Carlo et al., Koa et al., Nishikawa et al. and Berta et al. disclose support modules similar to that of applicant's invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Keller whose telephone number is 571-270-5219. The examiner can normally be reached on Monday - Thursday 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J Allen Shriver can be reached on 571-272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. J. K./

Examiner, Art Unit 4136

/Jerry Redman/

Primary Examiner, Art Unit 3634